

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION OF)	
TIDEWATER UTILITIES, INC. FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO PROVIDE WATER)	PSC DOCKET NO. 22-0579
SERVICES PURSUANT TO 26 <i>DEL. C.</i>)	
§ 203C ("SHOWELL"))	
(FILED JULY 11, 2022))	

ORDER NO. 10162

AND NOW, this 11th day of January 2023, the Delaware Public Service Commission (“Commission”) determines and orders the following:

WHEREAS, on July 11, 2022, Tidewater Utilities, Inc. (“Tidewater”) filed an application ("Application"), pursuant to 26 *Del. C.* § 203(C)(e)(1)b.2, with the Commission seeking a Certificate of Public Convenience and Necessity (“CPCN”) to provide water service to three (3) parcels of land in Sussex County, Delaware, more specifically identified as Tax Map Parcel Nos. 134-19.00-112.00, 134-19.00-11.01, and 134-19.00-112.04, also referred to as “Showell” (the “Proposed Service Area”); and

WHEREAS, Commission Staff (“Staff”) reviewed the Application to ensure compliance with the statutory provisions of 26 *Del. C.* § 203C and 26 *Del. Admin. C.* § 2002, the Commission’s “Regulations Governing Certificates of Public Convenience and Necessity for Water Utilities” (the “Regulations”); and

WHEREAS, Staff confirmed the parcels in the Proposed Service Area were acquired by a new landowner and notified Tidewater on September 29, 2022. On October 10, 2022,

Tidewater filed a petition executed by the new landowner dated September 27, 2022, which requested that the Proposed Service Area be included in Tidewater's service territory; and

WHEREAS, Staff notes that the Application included evidence that Tidewater had mailed to the landowners of record in the Proposed Service Area a notice regarding the Application and the options available to the landowners of record. In addition, Tidewater provided evidence via affidavits of publication to show that it had published notice of the Application in two newspapers of general circulation. Finally, to determine whether the Commission should deny the requested CPCN as set forth in 26 *Del. C.* § 203C(f), Staff solicited comments from the Delaware Department of Natural Resources and Environmental Control ("DNREC"), the Office of the State Fire Marshal ("SFM"), and the Office of Drinking Water of the Division of Public Health ("ODW"). DNREC, SFM, and ODW responded and confirmed they have no issues relating to Tidewater's ability to provide safe, adequate, and reliable water services to its existing customers. Staff also notes that it has received no other comments regarding Tidewater or the Application, and no landowners of record included in the Proposed Service Area have objected to the Application or elected to "opt-out" of the Proposed Service Area; and

WHEREAS, Staff has submitted to the Commission a memorandum dated January 4, 2023, which the Commission incorporates herein by reference, confirming the Application meets all requirements for granting Tidewater a CPCN for water services pursuant to 26 *Del. C.* § 203C and the Regulations. No errors or omissions were found. Accordingly, Staff has recommended that the Commission approve the Application.

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE

VOTE OF NO FEWER THAN THREE COMMISSIONERS:

1. Pursuant to 26 *Del. C.* § 203C, the Commission grants a CPCN to Tidewater to provide water services to the Proposed Service Area identified as Sussex County Parcel Nos. 134-19.00-112.00, 134-19.00-11.01, and 134-19.00-112.04.
2. Tidewater shall comply with any and all federal, state, county, and local statutes, ordinances, orders, regulations, rules, and permit conditions that are applicable, or may become applicable, to any matter involving water utility services provided to the service territory granted by this CPCN.
3. The Commission reserves the jurisdiction and authority to enter such further orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Dallas Winslow, Chairman

Joanne Conaway, Commissioner

Harold Gray, Commissioner

Manubhai “Mike” Karia, Commissioner

Kim F. Drexler, Commissioner

ATTEST:

Donna Nickerson, Secretary